

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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KRYSTAL MOSHOLDER, et al.,

Plaintiff,

vs.

Case No. 5:18cv1325

LOWE'S COMPANIES, INC., et al.,

Defendants.

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Deposition of
STACIE WILLIAMS

November 25, 2019

1:15 p.m.

Taken at:

Roetzel & Andress, LPA

222 South Main Street, Suite 400

Akron, Ohio

Job No. CS3790601

Ashanti Edwards, RPR

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Plaintiffs:</p> <p>4 Pelini, Campbell & Williams, LLC,</p> <p>5 by</p> <p>6 CRAIG M. EOFF, ESQ.</p> <p>7 Bretton Commons</p> <p>8 8040 Cleveland Avenue NW, Suite 400</p> <p>9 North Canton, Ohio 44720</p> <p>10 Ceoff@pelini-law.com</p> <p>11</p> <p>12 On behalf of The Defendant, Lowe's</p> <p>13 Companies, Inc.:</p> <p>14 Roetzel & Andress, LPA, by</p> <p>15 NICHOLAS P. RESETAR, ESQ.</p> <p>16 222 South Main Street, Suite 400</p> <p>17 Akron, Ohio 44308</p> <p>18 (330) 849-6791</p> <p>19 Nresetar@ralaw.com</p> <p>20 ~ ~ ~ ~ ~</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX OF EXHIBITS</p> <p>2 NUMBER DESCRIPTION MARKED</p> <p>3 Exhibit 1 Statement 25</p> <p>4 Exhibit 2 Photo 37</p> <p>5 Exhibit 3 Lowe's pet policy 39</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 TRANSCRIPT INDEX</p> <p>2</p> <p>3 APPEARANCES 2</p> <p>4</p> <p>5 INDEX OF EXHIBITS 4</p> <p>6</p> <p>7 EXAMINATION OF STACIE WILLIAMS</p> <p>8 BY MR. EOFF 5</p> <p>9</p> <p>10 REPORTER'S CERTIFICATE 56</p> <p>11</p> <p>12 EXHIBIT CUSTODY</p> <p>13 EXHIBITS RETAINED BY THE COURT REPORTER</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 STACIE WILLIAMS, of lawful age,</p> <p>2 called for examination, as provided by the</p> <p>3 Federal Rules of Civil Procedure, being by me</p> <p>4 first duly sworn, as hereinafter certified,</p> <p>5 deposed and said as follows:</p> <p>6 EXAMINATION OF STACIE WILLIAMS</p> <p>7 BY MR. EOFF:</p> <p>8 Q. So, Ms. Williams, we are here today</p> <p>9 for your deposition pursuant to a subpoena that</p> <p>10 you received from my office. You do recall</p> <p>11 receiving that subpoena?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And that is the reason you</p> <p>14 came here today?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. We're here on the matter of</p> <p>17 Krystal Mosholder, et al. versus Lowe's</p> <p>18 Companies, Inc., et al., pending before the</p> <p>19 United States District Court for the Northern</p> <p>20 District of Ohio, Eastern Division, case number</p> <p>21 5:18-CV-1325. Just for the record, if you</p> <p>22 don't mind, Ms. Williams, can you please state</p> <p>23 your full name and spell your last name,</p> <p>24 please?</p> <p>25 A. Yes. Stacie Williams,</p>

<p style="text-align: right;">Page 6</p> <p>1 W-I-L-L-I-A-M-S. 2 Q. And you have a unique spelling for 3 your first name. 4 A. Yes. 5 Q. Why don't we go ahead and get that 6 on the record as well. 7 A. S-T-A-C-I-E. 8 Q. Okay. Have you ever been deposed 9 before? 10 A. (Witness shakes head.) 11 Q. Okay. All right. So this is going 12 -- I'll go over -- 13 MR. RESETAR: Say no. She nodded 14 her head. 15 A. Sorry. 16 Q. That's one of the things we're 17 going to cover. 18 A. Okay. 19 Q. So we'll go over a few things so 20 that I can help you get through this and you 21 and I can work together here a little bit. One 22 of the first things is, as you can see, our 23 court reporter is trying to take down 24 everything that you and I say. 25 A. Okay.</p>	<p style="text-align: right;">Page 8</p> <p>1 to go on? 2 A. No. 3 Q. Okay. All right. I'm going to go 4 ahead and jump into this. Stacie, what's your 5 current address? 6 A. It's 310 East Highland Avenue, 7 Ravenna, Ohio 44266. 8 Q. How long have you lived at that 9 address? 10 A. 11 years. 11 Q. Okay. Are you currently employed? 12 A. Yes. 13 Q. Where do you work? 14 A. University Hospitals Portage 15 Medical Center. 16 Q. And what do you do for them? 17 A. I'm a nursing assistant. 18 Q. Prior to working for University 19 Hospitals, where did you work? 20 A. Lowe's in Brimfield. 21 Q. So you mentioned Lowe's in 22 Brimfield, which is, obviously, the location of 23 the store that brings us together today for 24 this deposition. How long did you work at 25 Lowe's?</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. So that means your responses need 2 to be verbal in nature. She can't take down 3 nods of the head and gestures and things of 4 that nature. 5 A. Okay. 6 Q. I'm the worst at this. I'll do the 7 best I can to let you finish answering my 8 question before I ask the next one. Try to let 9 me finish asking my question before you answer 10 it so that you and I are not talking at the 11 same time. Because that gets very, very 12 difficult for the court reporter to take down 13 when we're both talking at once. 14 A. Okay. 15 Q. If you need a break, let me know. 16 I don't think you're going to be here very 17 long. This is going to probably be very quick. 18 But in the event that you do need a break, let 19 me know. I'm happy to accommodate that. The 20 only thing I'd ask is that if, in fact, I've 21 got a question pending, that you answer that 22 question before we take a break. 23 A. Okay. 24 Q. Okay. Do you have any questions 25 about the procedure here today and what's going</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Close to two years. 2 Q. Were you at that specific location 3 for two years? 4 A. Yes. 5 Q. Okay. Have you ever worked for any 6 other Lowe's location? 7 A. No. 8 Q. Okay. Where did you work prior to 9 your time at Lowe's? 10 A. I did home health care for adults 11 with disabilities. 12 Q. How long did you do that? 13 A. For quite a few years. It was 14 different companies. Because it was in-home, I 15 went with my clients when they switched 16 companies. 17 Q. Okay. Stacie, did you graduate 18 from high school? 19 A. I did. 20 Q. Where did you graduate from? 21 A. Ravenna High School. 22 Q. And when was that? 23 A. 2005. 24 Q. Do you have any post-high school 25 education or training?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Not so much. I did like insurance 2 sales, so I did go to school for that. But it 3 was just like a 40-hour course. 4 Q. Okay. 5 A. No college courses. 6 Q. Was it like a certificate program 7 of some sort? 8 A. Yeah. 9 Q. Your current position as a nursing 10 assistant, did that require any educational 11 requirements? 12 A. It was all in-house training. 13 Q. Okay. So let's go back to the -- 14 your time with Lowe's. I was looking -- give 15 me one second. 16 A. Sure. 17 Q. I know I have this. Okay. So the 18 Lowe's location that we were roughly 19 referencing a little bit ago, you referred to 20 it as the Brimfield Lowe's, correct? 21 A. Yes. 22 Q. Okay. We'll define it and we'll 23 continue to call it the Brimfield Lowe's, just 24 for purposes of our deposition today, if that 25 makes it easier for you.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. ProService sales associate. 2 Q. Okay. What does a ProService sales 3 associate do? 4 A. We work with contractors to give 5 them the best deal possible on bundle packages. 6 Q. So bundle packages -- so a 7 contractor has got a job and they come in with, 8 here's everything we're going to need to do 9 this job and you figure out what Lowe's is 10 going to charge them for the supplies and 11 materials that they need for that particular 12 job? 13 A. Yes. And then we also have all the 14 business accounts that we handle and we contact 15 them every so often to see how their account 16 was doing, what they needed from us. So pretty 17 much the contractors. 18 Q. So there's kind of a customer 19 relationship building aspect to it as well. 20 You are partially charged with staying in touch 21 with these customers and making sure that 22 Lowe's is meeting their needs? 23 A. Yes. 24 Q. Okay. In between being a cashier 25 and being in that position, did you hold any</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Okay. 2 Q. The address for the Lowe's store 3 that we're talking about is 218 Nicholas Way, 4 Kent, Ohio; is that correct? 5 A. Correct. 6 Q. Okay. So let's go back to your 7 time working at the Brimfield Lowe's. Do you 8 recall when you first started working there? 9 A. I believe it was February -- oh, 10 man. I've been at the hospital for a year. 11 Maybe '16. 2016. 12 Q. Okay. 13 A. I cannot remember dates. 14 Q. That's okay. That's okay. When 15 you were first hired on at Lowe's, what was the 16 job that you were hired to do? 17 A. Cashier. 18 Q. Okay. When you left Lowe's -- you 19 said you worked there for about two years, if I 20 recall correctly? 21 A. Correct. 22 Q. When you left Lowe's were you still 23 working as a cashier? 24 A. No. 25 Q. What job were you in at that time?</p>	<p style="text-align: right;">Page 13</p> <p>1 other positions for Lowe's? 2 A. No. 3 Q. Okay. All right. So let's go back 4 to when you first started working for Lowe's 5 and you became a cashier. What type of 6 training did you receive to become a cashier? 7 A. We did like on-the-floor training, 8 then we had to take classes on the computer 9 for, what would you do in this situation, what 10 would you do in that situation, or if people 11 were stealing, if there was a problem with 12 other employees and what we would do, who would 13 we report it to. 14 Q. Okay. So you received training on 15 not only how to run that cash register, but to 16 be aware of theft or other potential issues and 17 I would assume how to report those issues? 18 A. Correct. 19 Q. Okay. 20 A. I was also trained on the front end 21 as well to be -- to work at the customer 22 service desk, I guess, to do returns, those 23 sorts of things, but that was just as a fill-in 24 basis. It was never a position that I held. 25 Q. So when you get trained to do the</p>

<p style="text-align: right;">Page 14</p> <p>1 front end -- you're referring to the -- I've 2 been in a Lowe's. Up front there's that 3 customer service desk that's kind of off to the 4 side. That's what you're referring to as the 5 front end, is that customer service area? 6 A. Correct. 7 Q. And the additional responsibilities 8 in the customer service department versus the 9 cashier is you would also handle returns? 10 A. Correct. 11 Q. I would assume you would field more 12 questions from customers? 13 A. Correct. Do credit card 14 applications, credit card payments, those sorts 15 of things. 16 Q. Did you have any responsibilities 17 in terms of management over other employees? 18 A. No. 19 Q. Okay. Do cashiers have any 20 management authority whatsoever? 21 A. No. 22 Q. Does anyone in that customer 23 service department have management authority? 24 A. Yes. There was a head cashier that 25 oversees the other cashiers during that shift.</p>	<p style="text-align: right;">Page 16</p> <p>1 portal? 2 A. Yes. All Lowe's training, besides 3 like the on-hand training, is all done on their 4 computers. 5 Q. Okay. Was there some type of name 6 that was given to that portal or software of 7 any kind? 8 A. I don't remember, honestly. 9 Q. Okay. You would access it while 10 you were at the store? 11 A. Yes. It couldn't be done outside 12 the store. 13 Q. Okay. You mentioned privacy. I 14 don't want to -- I don't want to put words in 15 your mouth or assume anything. You were 16 suggesting you were being trained on privacy 17 policies of Lowe's? 18 A. Correct. 19 Q. Okay. 20 A. Yes. 21 Q. Give me some examples of any other 22 types of Lowe's policies that you might have 23 been trained on. 24 A. Like with that position or -- 25 Q. With either of the positions.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. And that includes those 2 customer service folks? 3 A. Correct. 4 Q. You were never the head cashier? 5 A. No. 6 Q. Okay. What about your sales 7 associate position? Did you have oversight 8 authority over other employees? 9 A. No. 10 Q. Okay. The training that you said 11 you received online, was it strictly related to 12 the work as a cashier? 13 A. Yes. 14 Q. Okay. What about your sales 15 associate position? Did you receive new 16 training at that time? 17 A. No. It was just on-floor training. 18 It was more based on what our computer -- what 19 we had on the computer. So for like our bid 20 room and handling the contracts. I did have to 21 take one course on privacy for the contractors' 22 accounts. 23 Q. Okay. When you mentioned you took 24 a course on privacy, I'm assuming this is also 25 something that was done on some type of online</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I mean, we went through like theft, 2 what to do if, you know, somebody is stealing, 3 who to report it to. I mean, privacy for our 4 clients, honesty, like making sure you check 5 everything, checking receipts, those sorts of 6 things. Nothing extenuous. Pretty much 7 anything with sales. 8 Q. Okay. Were you ever given any 9 training on the pet policy? 10 A. No. 11 Q. Do you know what the pet policy is? 12 A. They're allowed -- any pet's 13 allowed in the store as long as it's leashed 14 and friendly. 15 Q. Okay. So when we say any pet, I 16 mean, obviously, people can bring a dog into 17 the store, correct? 18 A. Correct. 19 Q. Okay. But would you stop me if I 20 tried to bring in a horse? 21 A. I mean, the policy is if it's 22 leashed and with its owner -- 23 Q. Okay. Okay. So you weren't given 24 any training that said, these are the extreme 25 examples, we are not okay with someone bringing</p>

<p style="text-align: right;">Page 18</p> <p>1 a horse in? It was just any pet?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. All right. Did you receive</p> <p>4 any direct training though about the policy</p> <p>5 itself? Was there like a seminar or some type</p> <p>6 of a meeting where this was explained to you?</p> <p>7 A. No.</p> <p>8 Q. How did you find out what the</p> <p>9 policy was?</p> <p>10 A. Through management. And there's a</p> <p>11 big sign on the door that says we're pet</p> <p>12 friendly.</p> <p>13 Q. There is a big sign on the doors.</p> <p>14 I'm going to ask you about that in a minute.</p> <p>15 You're getting ahead of me. Okay. So when you</p> <p>16 said through management, was that something</p> <p>17 that management came to each employee or came</p> <p>18 to you -- we'll leave it to you because you</p> <p>19 really can't tell me what happened with other</p> <p>20 folks, but did management come to you and say,</p> <p>21 hey, Stacie, today I want to talk to you about</p> <p>22 what our pet policy is?</p> <p>23 A. No. There might have been</p> <p>24 something like in the training, but if it was</p> <p>25 it was very brief. I don't remember. It's</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Yes.</p> <p>2 Q. Okay. How do you know</p> <p>3 Mrs. Mosholder?</p> <p>4 A. She was in there every day.</p> <p>5 Q. Okay. So you are familiar with her</p> <p>6 as a result of the fact that you worked at the</p> <p>7 Brimfield Lowe's and Mrs. Mosholder was a</p> <p>8 customer at Lowe's?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. Would you talk to her when</p> <p>11 she was in the store?</p> <p>12 A. When she was in line. I talked to</p> <p>13 everybody though.</p> <p>14 Q. When she was checking out through</p> <p>15 your cash register?</p> <p>16 A. Um-hmm. She always checked out in</p> <p>17 ProService. We had two regular registers and</p> <p>18 then we had our ProService register.</p> <p>19 Q. Right.</p> <p>20 A. So she would just come through</p> <p>21 whichever line was shorter. If the line got</p> <p>22 backed up I'd get on a register and help. And</p> <p>23 she would come through. There was a few times</p> <p>24 I helped her find stuff in the store.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 19</p> <p>1 been years. And it was a lot of computer work.</p> <p>2 Q. Okay. Fair enough.</p> <p>3 A. But that was one of the reasons I</p> <p>4 wanted to work there, because people bring</p> <p>5 their animals.</p> <p>6 Q. Do you recall ever having any</p> <p>7 conversation with any management personnel</p> <p>8 about the pet policy at Lowe's?</p> <p>9 A. Not that I can recall.</p> <p>10 Q. Do you recall ever having any</p> <p>11 conversation with any of your fellow employees</p> <p>12 about the pet policy at Lowe's?</p> <p>13 A. Yeah. We all talked about it.</p> <p>14 Q. What types of things would you guys</p> <p>15 discuss?</p> <p>16 A. Just different animals and -- they</p> <p>17 would always bring them in. So we had birds,</p> <p>18 we had dogs, we had all kinds of stuff come in.</p> <p>19 A baby pig.</p> <p>20 Q. People bring birds into Lowe's?</p> <p>21 A. Um-hmm. I have pictures of one</p> <p>22 sitting on my arm.</p> <p>23 Q. Okay. Okay. So let me ask you,</p> <p>24 Stacie, just off-the-cuff, do you -- are you</p> <p>25 familiar with a woman named Krystal Mosholder?</p>	<p style="text-align: right;">Page 21</p> <p>1 MR. EOFF: Off the record for a</p> <p>2 second.</p> <p>3 (Off the record.)</p> <p>4 BY MR. EOFF:</p> <p>5 Q. So do you recall the date of March</p> <p>6 15th, 2018?</p> <p>7 A. Um-hmm. Yes.</p> <p>8 Q. Do you recall Mrs. Mosholder being</p> <p>9 in the Lowe's Brimfield location on that date?</p> <p>10 A. Correct.</p> <p>11 Q. Can you describe to me what, if</p> <p>12 anything, you saw that day that would have been</p> <p>13 eventful about Mrs. Mosholder's presence at</p> <p>14 that Lowe's and anything that you would have</p> <p>15 witnessed?</p> <p>16 A. I mean, we were both in the spray</p> <p>17 paint aisle. There was a guy that came in like</p> <p>18 weekly with his dog and I always had treats in</p> <p>19 my pocket. So I was giving him a treat. I was</p> <p>20 down there and she was messing with the spray</p> <p>21 paint and picking out a color. She turned</p> <p>22 around and she stuck her hand out and she said,</p> <p>23 oh, do you smell my puppies. And the dog kind</p> <p>24 of like -- not nipped, but kind of like played</p> <p>25 with her. And she pulled her hand away and she</p>

<p style="text-align: right;">Page 22</p> <p>1 goes, must smell mine and she walked away. And</p> <p>2 that was it.</p> <p>3 Q. Okay. So you mentioned the</p> <p>4 gentleman that was with the dog.</p> <p>5 A. Um-hmm.</p> <p>6 Q. Let's start there. Sounded to me,</p> <p>7 from what you said, that he was at least known</p> <p>8 to you as a customer of Lowe's, that he was</p> <p>9 there somewhat frequently, correct?</p> <p>10 A. Yeah. I don't know his name. I</p> <p>11 mean, I remember the dog over the person, so --</p> <p>12 Q. Okay. But you've seen that dog in</p> <p>13 the store before?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. Describe the dog to me.</p> <p>16 A. He was black and white, really</p> <p>17 playful. I mean, medium sized. I can't say</p> <p>18 large. Mine are huge, so --</p> <p>19 Q. Okay.</p> <p>20 A. -- a lot smaller than mine. Maybe</p> <p>21 50 to 60 pounds. Always on a leash, always</p> <p>22 happy-go-lucky in the store, walks up to</p> <p>23 everybody.</p> <p>24 Q. If you had to guess, how many times</p> <p>25 do you think you've seen this dog in the</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. So on March 15th, 2018, you said</p> <p>2 you were in the spray paint aisle?</p> <p>3 A. Um-hmm.</p> <p>4 Q. Was the dog and this gentleman that</p> <p>5 the dog was with in the spray paint aisle</p> <p>6 before you came into the spray paint aisle?</p> <p>7 A. Yeah. I went into the aisle to pet</p> <p>8 the dog.</p> <p>9 Q. Okay. So you went up to pet the</p> <p>10 dog?</p> <p>11 A. Um-hmm.</p> <p>12 Q. You were talking to the dog's</p> <p>13 owner?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall what you guys might</p> <p>16 have been talking about?</p> <p>17 A. Just the dog.</p> <p>18 Q. Okay.</p> <p>19 A. It was never really about projects.</p> <p>20 It was just about the dog.</p> <p>21 Q. He wasn't asking any questions</p> <p>22 about spray paint?</p> <p>23 A. No.</p> <p>24 Q. Or, you know, where he might be</p> <p>25 able to find a, you know, toilet handle?</p>
<p style="text-align: right;">Page 23</p> <p>1 Brimfield location of Lowe's?</p> <p>2 A. If I had to guess, probably at</p> <p>3 least five or six.</p> <p>4 Q. At any time have you ever seen that</p> <p>5 dog be angry or aggressive in any way?</p> <p>6 A. Not in any way.</p> <p>7 Q. You always saw the dog be playful?</p> <p>8 A. Yeah. I -- I mean, there were kids</p> <p>9 that would walk up and, can I pet the dog. My</p> <p>10 kids being one of them, walked up and pet the</p> <p>11 dog on different occasions.</p> <p>12 Q. Okay. The gentleman that the dog</p> <p>13 was with, was that always the same person that</p> <p>14 dog was with when he came into the store?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. You don't know that man's</p> <p>17 name?</p> <p>18 A. No. I just know him from walking</p> <p>19 through the store.</p> <p>20 Q. He would certainly be someone</p> <p>21 though that you had seen in the store before</p> <p>22 and talked to before?</p> <p>23 A. Yeah. Just about -- I mean, not</p> <p>24 really about projects or anything. Just about</p> <p>25 animals.</p>	<p style="text-align: right;">Page 25</p> <p>1 A. No.</p> <p>2 Q. Okay. Were the two of you and the</p> <p>3 dog in the spray paint aisle prior to</p> <p>4 Mrs. Mosholder coming into the spray paint</p> <p>5 aisle?</p> <p>6 A. I believe so. Because I know she</p> <p>7 walked up to us when she was looking.</p> <p>8 Q. Okay.</p> <p>9 A. But I don't know if she could have</p> <p>10 been at the other end. I'm not sure.</p> <p>11 Q. Okay.</p> <p>12 A. But she definitely walked toward</p> <p>13 us.</p> <p>14 Q. Okay. I'm going to hand you what</p> <p>15 we're going to have marked as Exhibit 1 to your</p> <p>16 deposition.</p> <p>17 A. Okay.</p> <p>18 - - - - -</p> <p>19 (Thereupon, Deposition Exhibit 1,</p> <p>20 statement, was marked for purposes</p> <p>21 of identification.)</p> <p>22 - - - - -</p> <p>23 Q. So Stacie, here is deposition</p> <p>24 Exhibit 1. I want you to read that real quick</p> <p>25 and then when you've had a chance to read it,</p>

<p style="text-align: right;">Page 26</p> <p>1 look up and I'll start asking my questions.</p> <p>2 A. Okay.</p> <p>3 Q. Okay. Ready?</p> <p>4 A. Um-hmm.</p> <p>5 Q. Okay. So correct me if I'm wrong,</p> <p>6 but I believe this to be -- you'll see your</p> <p>7 signature on this Exhibit 1, correct?</p> <p>8 A. Correct.</p> <p>9 Q. This is a statement that you</p> <p>10 provided to Lowe's on March 15th, 2018 about</p> <p>11 the incident that we're discussing today,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. So when you were discussing with me</p> <p>15 earlier you and the gentleman with the dog and</p> <p>16 the dog were in the spray paint aisle,</p> <p>17 Mrs. Mosholder came into the spray paint aisle,</p> <p>18 she walked up to the dog, that incident is the</p> <p>19 same incident that you are describing in this</p> <p>20 statement that's Exhibit 1, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Now, you said in the middle</p> <p>23 of this and in your testimony you said as well</p> <p>24 that the dog went to smell the lady, who I'm</p> <p>25 assuming is Mrs. Mosholder?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay. You believe, from what</p> <p>2 you've stated here, that the only part of</p> <p>3 Mrs. Mosholder's body that the dog made contact</p> <p>4 with, that you could see, was her hand?</p> <p>5 A. Correct. Her fingers. Not even</p> <p>6 really her hand.</p> <p>7 Q. So if she got bit on the upper leg</p> <p>8 or hip area, you did not see that take place?</p> <p>9 A. Oh, no. No.</p> <p>10 Q. Okay. Now, it also says later here</p> <p>11 in the statement, I talked to the owner for a</p> <p>12 few more minutes and walked away to go to the</p> <p>13 morning meeting.</p> <p>14 A. Correct.</p> <p>15 Q. Okay. Mrs. Mosholder, was she</p> <p>16 there the entire time you continued your</p> <p>17 conversation?</p> <p>18 A. No. She walked off.</p> <p>19 Q. She walked off?</p> <p>20 A. Toward the back of the store.</p> <p>21 Q. So Mrs. Mosholder walks away, the</p> <p>22 incident, if you will, is over and you've</p> <p>23 continued to talk to the dog owner?</p> <p>24 A. Yeah. For a couple minutes.</p> <p>25 Q. Okay. Did the dog owner say</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. And that the owner -- it says in</p> <p>3 your statement that the owner pulled him back,</p> <p>4 meaning the dog, and told the dog, not everyone</p> <p>5 wants to pet you. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And then it says she -- I'm</p> <p>8 assuming again we're talking about Mrs.</p> <p>9 Mosholder?</p> <p>10 A. Yes.</p> <p>11 Q. -- then turned around and put her</p> <p>12 hand right up to the dog's mouth and said, you</p> <p>13 probably smell my dog and was moving her</p> <p>14 fingers. Is that an accurate reading of that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. The very next sentence says,</p> <p>17 the dog in a playing fashion went to lick her</p> <p>18 hand and may have nipped her, but not hard</p> <p>19 enough to do any damage. Do you see that?</p> <p>20 A. Um-hmm.</p> <p>21 Q. Okay.</p> <p>22 A. Yes.</p> <p>23 Q. You did not see the dog bite</p> <p>24 Mrs. Mosholder?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 29</p> <p>1 anything or react in any way that gave you an</p> <p>2 indication that he may have seen the dog bite</p> <p>3 Mrs. Mosholder?</p> <p>4 A. No.</p> <p>5 Q. Okay. Was there anyone else in the</p> <p>6 aisle, the spray paint aisle, at that time?</p> <p>7 A. Not that I can recall. Not with us</p> <p>8 anyways. I mean, it's a longer aisle, but not</p> <p>9 with us.</p> <p>10 Q. Okay. Kind of describe that spray</p> <p>11 paint aisle a little bit. I've been in there,</p> <p>12 so I have a visual at least in my mind. But</p> <p>13 were you at the end of one of the aisles? Were</p> <p>14 you in the middle? Where about in the aisle</p> <p>15 were you?</p> <p>16 A. There's the spray paint aisle.</p> <p>17 Then, there's like the paint center and then</p> <p>18 all the way down there's like the blinds and</p> <p>19 stuff. It's toward the end, towards the middle</p> <p>20 of the store. The end of, technically, the</p> <p>21 spray paint aisle, but toward like the middle</p> <p>22 aisle of the store.</p> <p>23 Q. Okay. So you were -- there would</p> <p>24 have been a larger cross aisle or a corridor</p> <p>25 that would be going past there, correct?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. Correct.</p> <p>2 Q. Do you recall whether or not there</p> <p>3 were any other Lowe's employees or customers in</p> <p>4 that area who might have been able to see what</p> <p>5 was taking place there?</p> <p>6 A. No. There was people at the</p> <p>7 opposite end, toward the paint center, because</p> <p>8 that's where we did our morning meetings and</p> <p>9 that's where I was headed to.</p> <p>10 Q. And you went to the morning meeting</p> <p>11 then after that, correct?</p> <p>12 A. Yes. And the dog walked through</p> <p>13 our morning meeting --</p> <p>14 Q. Okay.</p> <p>15 A. -- with the owner.</p> <p>16 Q. Did you -- so was there any</p> <p>17 conversation about the dog at morning meeting?</p> <p>18 A. No. Everybody was petting him</p> <p>19 while he was walking through. I'm sorry. I</p> <p>20 didn't --</p> <p>21 Q. You're fine. That's fine. You</p> <p>22 didn't get the impression -- did anyone say</p> <p>23 anything -- I'm just trying to identify whether</p> <p>24 or not there's other people that I need to talk</p> <p>25 to. Did anyone in that morning meeting, that</p>	<p style="text-align: right;">Page 32</p> <p>1 A. It was later when one of the</p> <p>2 managers came down and talked to us about it,</p> <p>3 said that her husband had called in and said</p> <p>4 that she was bit pretty good and that she got</p> <p>5 home and when she took her pants off there was</p> <p>6 blood. And he didn't know that I was down</p> <p>7 there either until I said, I was in the aisle</p> <p>8 when it happened. So he was like, can you</p> <p>9 write something up, like what happened. He</p> <p>10 asked me verbally and then asked me to write up</p> <p>11 a statement as well.</p> <p>12 Q. Who is that person?</p> <p>13 A. Chad.</p> <p>14 Q. What's Chad's last name?</p> <p>15 A. I don't remember. It starts with</p> <p>16 an F.</p> <p>17 Q. Okay. Fair enough. Fair enough.</p> <p>18 And Chad's position was what?</p> <p>19 A. He is an ASM. It's like an</p> <p>20 assistant store manager.</p> <p>21 Q. Okay. So assistant store manager.</p> <p>22 To the best of your knowledge, what is the</p> <p>23 assistant store manager's responsibilities?</p> <p>24 A. They all have their own departments</p> <p>25 that they oversee. So they oversee all the</p>
<p style="text-align: right;">Page 31</p> <p>1 would have been at the end of the aisle up</p> <p>2 there at that time, indicate or say anything</p> <p>3 that would lead you to believe that they saw</p> <p>4 anything between the dog and Mrs. Mosholder?</p> <p>5 A. No.</p> <p>6 Q. So as you sit here today, you don't</p> <p>7 think anybody but yourself, potentially the dog</p> <p>8 owner and Mrs. Mosholder would have been close</p> <p>9 enough to have seen anything that would be able</p> <p>10 to explain what happened between Mrs. Mosholder</p> <p>11 and the dog?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. Okay.</p> <p>14 A. Like I said, he did walk through</p> <p>15 like our morning meeting. Like three or four</p> <p>16 of the employees -- the guy stopped so they</p> <p>17 could pet the dog, too.</p> <p>18 Q. Okay.</p> <p>19 A. And I didn't even hear anything</p> <p>20 about a supposed bite until almost the end of</p> <p>21 my shift.</p> <p>22 Q. Okay. How did it come up -- or at</p> <p>23 what point in time of the day -- what took</p> <p>24 place that led you to write this statement</p> <p>25 that's Exhibit 1?</p>	<p style="text-align: right;">Page 33</p> <p>1 employees in those departments.</p> <p>2 Q. What department was Chad</p> <p>3 overseeing?</p> <p>4 A. I'm sorry. He wasn't my manager,</p> <p>5 so he wasn't for ProService.</p> <p>6 Q. You don't know what he actually</p> <p>7 was?</p> <p>8 A. No. He was like right under the</p> <p>9 store manager.</p> <p>10 Q. So Chad comes to you. What did</p> <p>11 Chad say to you when he came to you?</p> <p>12 A. Well, he just came down and asked</p> <p>13 us, because she had checked out down there --</p> <p>14 Q. Yes.</p> <p>15 A. -- if she had mentioned anything,</p> <p>16 said anything. And he brought up the dog. I</p> <p>17 was like, well, I was in the aisle with the</p> <p>18 spray paint when she walked up to the dog.</p> <p>19 Q. Okay. So that connects the dots</p> <p>20 for me. So that's how he found out that you</p> <p>21 may have been there and were a potential</p> <p>22 witness?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. There wasn't some type of</p> <p>25 store meeting to find out who knew anything?</p>

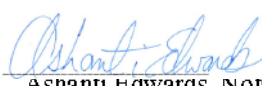
<p style="text-align: right;">Page 34</p> <p>1 A. Not that I know of. Not that I was 2 involved in anyway. 3 Q. Okay. To your knowledge, did 4 anyone else that was a Lowe's employee come 5 forward and indicate that they felt that they 6 had seen something or had knowledge about the 7 incident with Mrs. Mosholder and the dog in 8 question? 9 A. Not to my knowledge. 10 Q. Okay. Did you ever talk to Chad 11 after you provided the statement? 12 A. About this? No. Not until I was 13 in the store recently and he said that I might 14 get contacted about it. 15 Q. Okay. I think that -- so have you 16 ever spoken with anyone else concerning this 17 incident? 18 A. No. 19 Q. Have you talked to Mr. Resetar? 20 A. Yes. 21 Q. Okay. 22 A. And our store manager, Cameron. 23 Q. Okay. Do you know Cameron's last 24 name? 25 A. Childers.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Just that -- he asked if I would 2 come in and give testimony on what I did 3 witness to and I told him that I worked nights, 4 so I would have to, you know, make 5 arrangements, but that would be fine. 6 Q. Sure. Did you review anything 7 prior to your deposition here today? 8 A. No. 9 Q. To prepare for today? 10 A. No. I mean, he went over kind of 11 like how it was going to work, that it's not 12 like a court room and it would just be, you 13 know, like this. 14 Q. Sure. Did you -- did Mr. Resetar 15 provide you anything to review prior to your 16 deposition today? 17 A. No. He asked me if I knew what I 18 wrote and I knew what I wrote, so -- 19 Q. Okay. So you remembered the 20 statement? 21 A. Yeah. I remember it. I mean, it 22 -- it was a dog, so -- 23 Q. Sure. You didn't review a copy of 24 your statement prior to coming in here today? 25 A. No.</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. What did you discuss with 2 Mr. Childers? 3 A. He brought it up that I might be 4 getting a phone call and asked, you know, if it 5 was okay to provide my information and I said 6 absolutely. 7 Q. Okay. 8 A. Because I'm not an employee there 9 anymore. 10 Q. Okay. By the way, I want to tell 11 you I do appreciate you showing up here today. 12 I don't want you to think anything other than 13 that. 14 A. Oh, no. Absolutely. 15 Q. So did Mr. Childers and you discuss 16 the incident at all? 17 A. No. 18 Q. Okay. You didn't talk about what 19 happened and he didn't try to discuss with you 20 the facts of what you saw? 21 A. No. I talked to Chad about it. 22 Q. When it happened? 23 A. Yes. 24 Q. Okay. What did you and Mr. Resetar 25 talk about?</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Okay. Fair enough. Okay. So we 2 were talking earlier -- we were talking a 3 little bit about the sign on the door. 4 A. Um-hmm. 5 Q. Okay. So we're going to mark 6 Exhibit 2. 7 - - - - - 8 (Thereupon, Deposition Exhibit 2, 9 photo, was marked for purposes of 10 identification.) 11 - - - - - 12 Q. Okay. So we've got deposition 13 Exhibit 2. I'm going to hand that to you. 14 A. Sure. 15 Q. Do you recognize what that is a 16 picture of? 17 A. Yes. 18 Q. What is that? 19 A. It's saying that they're dog 20 friendly, animal friendly. 21 Q. More specifically, is that a 22 picture of the front door, the entrance to a 23 Lowe's store? 24 A. To a Lowe's store, yes. 25 Q. Can you tell whether or not it is a</p>

<p style="text-align: right;">Page 38</p> <p>1 picture of the door going into the Brimfield 2 Lowe's? 3 A. No. They all look the same. 4 Q. That was going to be my next 5 question. Okay. So the -- you were 6 specifically talking a moment ago about the 7 language. You'll see on this picture there's a 8 red box that is essentially highlighting a blue 9 sign. It probably looks more like a sticker on 10 the window to the door; is that right? 11 A. Correct. 12 Q. Okay. And that blue sticker or 13 sign discusses on some level Lowe's policy 14 allowing people to bring pets into the store, 15 correct? 16 A. I've never read it, to be honest. 17 Q. Okay. Okay. 18 A. But I would imagine. 19 Q. That was going to be my next 20 question. Do you know what that says? 21 A. No. 22 Q. Because, unfortunately, it's a 23 little small for any of us to read. 24 A. Yes. 25 Q. But your suspicion is that that's a</p>	<p style="text-align: right;">Page 40</p> <p>1 as opposed to Ms. Williams. I apologize if -- 2 A. No. That's fine. 3 Q. I should have been more formal. 4 I'm handing you what we've marked as Deposition 5 Exhibit 3. Have you ever seen that document 6 before? 7 A. I'm not sure, honestly. I would 8 say probably. Like I said, all that training 9 was like a ton of computer stuff within like a 10 two-day window. 11 Q. Okay. Fair enough. I'll represent 12 to you that this has been provided to me by 13 Lowe's counsel as Lowe's pet policy. 14 A. Okay. 15 MR. EOFF: Mr. Resetar, do you want 16 to state something for the record? 17 MR. RESETAR: Only that this 18 document is designated as confidential pursuant 19 to the stipulated protective order that's been 20 entered by the court in this matter. Also, 21 that that's been designated as confidential and 22 proprietary by Lowe's themselves, as evidenced 23 by the designation on the bottom above the 24 Bates stamp. Counsel and I discussed that if 25 this deposition will be filed we will discuss</p>
<p style="text-align: right;">Page 39</p> <p>1 sign that states to customers that they're 2 allowed to bring in pets to the store? 3 A. Correct. 4 Q. You are also expecting it probably 5 says that they have to be leashed, correct? 6 A. Correct. 7 Q. And what else do you think it 8 likely says? 9 A. The other things is we ask the 10 owners to clean up after them, you know, if 11 they use the bathroom. We'll provide you with 12 stuff, but -- I would be lying if I said I 13 never cleaned up after somebody else's animal 14 in the store. 15 Q. Yeah. 16 A. It happens. 17 Q. I'm sure. 18 - - - - - 19 (Thereupon, Deposition Exhibit 3, 20 Lowe's pet policy, was marked for 21 purposes of identification.) 22 - - - - - 23 Q. All right. Okay. Stacie, I'm 24 handing you what's been marked -- by the way, I 25 hope you don't care that I'm calling you Stacie</p>	<p style="text-align: right;">Page 41</p> <p>1 how to handle this confidential document prior 2 to filing. 3 MR. EOFF: And that is an accurate 4 representation of the conversation that counsel 5 and I had. 6 Q. So Stacie, going back to this real 7 quick. And I think you've somewhat already 8 answered my question. You don't recall 9 specifically seeing this document in any of 10 your training? 11 A. Correct. I mean, it could have 12 been there. I'm honestly not sure. 13 Q. Okay. So I'll ask an unfair 14 question, but I'm going to ask it anyway. So 15 you can't tell me whether or not the blue 16 sticker/sign that's highlighted by the red box 17 on Exhibit 2 is a recitation of what's found in 18 Exhibit 3? 19 A. Correct. 20 Q. Okay. So if we go down to the 21 middle of the page, do you see where it says 22 scope? 23 A. Yes. 24 Q. Okay. So the very first thing it 25 says in Exhibit 3 is, service animals and pets</p>

<p style="text-align: right;">Page 42</p> <p>1 are allowed in all Lowe's stores. You believe 2 that to be accurate? You saw that with your 3 own two eyes, correct? 4 A. Correct. 5 Q. Okay. Service animal requirements 6 are defined and governed by the ADA, it says in 7 the next bullet point. Then, it goes on to 8 say, additional information on service animals 9 in places of business is also available on the 10 ADA website. Then it says, pet requirements 11 are defined below and enforced, as needed, by 12 Lowe's store employees. Do you see that 13 language? 14 A. Yes. 15 Q. So when they talk about Lowe's 16 store employees enforcing the pet policy 17 requirements, what, if anything, were you told 18 about enforcing the pet policy guidelines? 19 A. If they're not on a leash or being 20 held -- they have to be leashed. But we can 21 kindly ask them to take them out of the store. 22 If they seem aggressive, we can ask them to go 23 out of the store. 24 Q. So in terms of, if they seem 25 aggressive, what would you be looking for?</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Because if there is -- if I see 2 that there's somebody bringing a vicious dog in 3 and I don't have time for a manager to get 4 there and the dog bites somebody in the 5 meantime, I could have prevented that by asking 6 them to take their dog back outside. 7 Q. Can you recall a time that you ever 8 had to do that? 9 A. No. 10 Q. Do you recall ever seeing any other 11 employee of Lowe's, management or otherwise, 12 ever having to do that? 13 A. No. 14 Q. Did you ever see a dog or any other 15 animal that wasn't appropriately leashed in the 16 store? 17 A. No. 18 Q. Okay. 19 A. People are pretty good about it. 20 And it was usually the same people over and 21 over again that brought their animals. 22 Q. Sure. And there's also that spirit 23 of -- I know that when I go into certain stores 24 that I frequent, those folks, they think they 25 know me, they're saying hi, we chat. They</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I mean, just showing any kind of 2 aggression. Growling, nipping, you know, just 3 the way their posture is. Those sorts of 4 things. 5 Q. So it's kind of the normal 6 sensibilities of what you might expect if you 7 see a dog doing something -- you're just using 8 your common sense to determine that that dog 9 might be aggressive or acting in a dangerous 10 way? 11 A. Correct. 12 Q. Were you trained to have a manager 13 address this or were you trained to walk 14 directly up to that customer and tell them that 15 they needed to take the dog out of the store? 16 A. I think it depends on what they 17 were comfortable with. Some people aren't 18 comfortable walking up and asking. But 19 managers were always available to do that. 20 Q. You certainly had the right or the 21 ability, as a Lowe's employee, to address it 22 with the customer directly if you felt you 23 needed to? 24 A. Yes. 25 Q. Okay.</p>	<p style="text-align: right;">Page 45</p> <p>1 don't even know my name, but they know me. 2 It's kind of like that as well, I would 3 imagine, right? 4 A. Correct. 5 Q. Okay. So if we go down to the 6 section of this Exhibit 3 that says policy, do 7 you see that first bullet point where it says, 8 the owner or handler must always have direct 9 physical control of the animal by one or both 10 of the following methods. The animal must be, 11 one, heeling, walking calmly beside the owner 12 or handler, two, harnessed, leashed or carried? 13 A. Correct. 14 Q. So in this particular instance, on 15 March 15th of 2018, the dog that is in question 16 in the incident with Mrs. Mosholder, he was 17 leashed; is that correct? 18 A. Correct. 19 Q. All right. Did you ever see the 20 dog in the store that day where he was not 21 immediately next to or with his owner or 22 handler, the gentleman who brought him into the 23 store? 24 A. No. He kept him pretty close 25 because he liked to jump. He was pretty</p>

<p style="text-align: right;">Page 46</p> <p>1 rambunctious as a puppy, so he kept him pretty 2 close to him. 3 Q. Okay. So you think the dog was a 4 puppy? 5 A. Yeah. I don't think he was very 6 old. Maybe a year. 7 Q. Do you have any idea what type of 8 dog it was? 9 A. It could have been maybe an 10 American Bulldog, Pit Bull. I'm not sure. 11 Q. Okay. 12 A. They all kind of look the same. I 13 mean, the labs, they all have the floppy ears. 14 Q. Did you get the impression this is 15 some type of a mixed breed dog? 16 A. Probably. 17 Q. Okay. 18 A. His name was Capone, I believe. 19 Q. Capone? 20 A. Yeah. 21 Q. Okay. 22 A. I can't tell you anything about the 23 guy. I don't remember him, but the dog, I do. 24 Q. You think it's Capone, like Al 25 Capone?</p>	<p style="text-align: right;">Page 48</p> <p>1 A. No. You never know who knows who. 2 It's a small world and Brimfield is pretty 3 small. 4 Q. Sure. Sure. Do you recall some of 5 the folks that were working on March 18, 2018, 6 when Mrs. Mosholder would have been in the 7 store that morning? 8 A. I mean, there was quite a few of 9 us. I know Colin pet the dog. I don't even 10 think he's at Lowe's anymore either. But as 11 far as like interacting with him, I'm not sure. 12 Q. Okay. 13 A. He just kind of pet him as he was 14 walking through the morning meeting. But not 15 the owner. Like, never -- I mean, we were in 16 the middle of a meeting, so -- 17 Q. Okay. Why don't we try to go 18 through -- as best you can, try to give me the 19 names of the people that you remember being at 20 work that day. 21 A. Okay. I mean, as far as my 22 department, we were always the same. So in my 23 department, Steve was there. 24 Q. What's Steve's last name? 25 A. Houser.</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Yeah. I'm pretty sure that was his 2 name. 3 Q. Okay. Do you recall possibly the 4 dog owner calling him that? 5 A. Yeah. 6 Q. Okay. 7 A. I believe so. That's what stuck. 8 I'm pretty sure that was his name. Like I 9 said, he was in there quite a few times. Like 10 five or six at least. 11 Q. Okay. Fair enough? 12 A. And he would always -- like, before 13 anybody would go to pet him he would make him 14 sit. Then, you could walk up to the dog. 15 Q. Okay. Do you think that any other 16 Lowe's employee knew the owner of this dog? 17 A. Not that I'm aware of. 18 Q. Okay. 19 A. It's possible, but not that I'm 20 aware of. 21 Q. When you say it's possible, I mean, 22 are you just saying because in the world of 23 possibilities it's possible or did someone 24 interact with him in a way that made you think 25 that possibly he may know him personally?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Okay. 2 A. Mikey Debolds, Scottie Satterfield, 3 Colin Fitzpatrick. Other than that, the 4 managers -- I don't even know which managers 5 were there for the morning meeting. Chad. 6 Q. Chad was there? 7 A. I believe he was there for the 8 morning meeting. 9 Q. Do you recall anyone else being in 10 the store that day that was working with you? 11 A. No. I mean, that's just my 12 department. I kind of stay -- stayed down 13 there. 14 Q. Sure. Now, you said that morning 15 meeting took place in the spray paint 16 department, correct? 17 A. Yeah. At the regular paint desk. 18 Q. Were the paint guys hanging around 19 at that time? 20 A. The whole store goes to the morning 21 meeting. 22 Q. Okay. 23 A. Unless you're on register. 24 Q. So other than the folks you've 25 already mentioned, who else do you think</p>

<p style="text-align: right;">Page 50</p> <p>1 might be -- do you remember being there for 2 that morning meeting? 3 A. Honestly, I'm not sure. 4 Q. Okay. All right. 5 A. I kind of sit in the back and just 6 sit out of the way, but made my appearance 7 because we had to go. 8 Q. When Mrs. Mosholder -- well, let me 9 back that up a second. After you left the 10 spray paint aisle you went to the morning 11 meeting? 12 A. Correct. 13 Q. After the morning meeting, what did 14 you do? 15 A. Went back to my department. 16 Q. At this point in time you were in 17 that sales associate position, correct? 18 A. Yes. 19 Q. So you weren't going back to a cash 20 register? 21 A. No. I went back to ProService. 22 Q. All right. Did you see 23 Mrs. Mosholder in the store after that on that 24 same date, but after the time she interacted 25 with the dog?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Do you know Courtney and Chrissy's 2 last name? 3 A. I can look on my phone and get 4 them. 5 Q. I'm fine with that if -- 6 MR. EOFF: Counsel, she wants to 7 look at her phone to get a couple of last 8 names. 9 MR. RESETAR: Yeah. Do you want to 10 go off the record for a second? 11 MR. EOFF: Sure. Let's go off the 12 record. 13 (Off the record.) 14 BY MR. EOFF: 15 Q. So Stacie, while we were off the 16 record Mr. Resetar and I were showing you some 17 video footage from the surveillance cameras in 18 the store, the Brimfield Lowe's, on March 15, 19 2018. One of those videos was of my client, 20 Krystal Mosholder, going through checkout 21 register 2? 22 A. Correct. 23 Q. Who was the woman who was the 24 cashier when Mrs. Mosholder was checking out at 25 register 2 that day?</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yeah. She checked out at register 2 2. 3 Q. Did you see her check out at 4 register 2? 5 A. I'm not sure. I can't be 100 6 percent -- she was there almost every day. 7 Q. So let me ask you this. How do you 8 know she checked out at register 2? 9 A. That's where she always checked 10 out. She never went to a different register. 11 Q. But you did not see her actually 12 check out? 13 A. Correct. 14 Q. Okay. 15 A. She always checked out between 16 register 1 and 2, which are the ProService 17 registers. Because she always parked 18 underneath the awning on the ProService side. 19 Q. Okay. Do you remember who would 20 have been at the cash register at aisle 1 and 21 2 -- checkout register 1 and 2 that day? 22 A. It would have either been Courtney 23 or -- I can't remember the other lady's name. 24 Christy. Those were our two -- they switch on 25 and off for day and night.</p>	<p style="text-align: right;">Page 53</p> <p>1 A. From the looks of it, it was 2 Courtney. 3 Q. Okay. What's her last name? 4 A. Wide. 5 Q. Okay. And we also showed you a 6 video of what we believe to be the owner of the 7 dog in question going through checkout register 8 number 11. You saw that video as well, 9 correct? 10 A. Correct. 11 Q. Do you recall or -- to the best of 12 your belief and knowledge, who did you think 13 was the cashier that was working at register 11 14 when the dog owner went through? 15 A. Her name is Sherry. 16 Q. Do you know her last name? 17 A. I don't. 18 Q. Okay. Fair enough. 19 A. She left before I did. She doesn't 20 work there anymore. 21 Q. Okay. Fair enough. Well, Stacie, 22 I do generally appreciate you taking the time 23 to come down here. I know that downtown Akron 24 is a mess right now with construction and I 25 appreciate you not giving up on us and getting</p>

<p style="text-align: right;">Page 54</p> <p>1 here. I appreciate you taking the time to 2 answer my questions today. 3 A. Okay. 4 Q. Mr. Resetar has some things that he 5 needs to tell you, so I'm going to turn this 6 over to him to do that. As far as I'm 7 concerned, that would conclude your deposition. 8 A. Okay. Thank you. 9 MR. RESETAR: Stacie, you have the 10 right to read your deposition before you sign 11 it to make sure that it's accurate. You don't 12 have the ability to change your testimony, just 13 to make sure that it's all taken down 14 correctly. That is your right to do that. I 15 don't think you need to. If you want to 16 though, go ahead. Otherwise, you can waive 17 your signature. It's up to you. 18 THE WITNESS: I can waive it. 19 MR. RESETAR: Okay. That's all. 20 Thanks, Stacie. 21 (The deposition concluded at 2:06 p.m.) 22 23 24 25</p>	<p style="text-align: right;">Page 56</p> <p>1 REPORTER'S CERTIFICATE 2 The State of Ohio,) 3 SS: 4 County of Cuyahoga.) 5 6 I, Ashanti Edwards, a Notary Public 7 within and for the State of Ohio, duly 8 commissioned and qualified, do hereby certify 9 that the within named witness, STACIE WILLIAMS, 10 was by me first duly sworn to testify the 11 truth, the whole truth and nothing but the 12 truth in the cause aforesaid; that the 13 testimony then given by the above-referenced 14 witness was by me reduced to stenotypy in the 15 presence of said witness; afterwards 16 transcribed, and that the foregoing is a true 17 and correct transcription of the testimony so 18 given by the above-referenced witness. 19 I do further certify that this 20 deposition was taken at the time and place in 21 the foregoing caption specified and was 22 completed without adjournment. 23 24 25</p>
<p style="text-align: right;">Page 55</p> <p>1 Whereupon, counsel was requested to give 2 instruction regarding the witness's review of 3 the transcript pursuant to the Civil Rules. 4 5 SIGNATURE: 6 It was agreed by and between counsel and the 7 parties that the reading and signing of the 8 transcript of said deposition, be and the same 9 is hereby waived. 10 11 TRANSCRIPT DELIVERY: 12 Counsel was requested to give instruction 13 regarding delivery date of transcript. 14 Mr. Eoff: Original. 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 57</p> <p>1 I do further certify that I am not 2 a relative, counsel or attorney for either 3 party, or otherwise interested in the event of 4 this action. 5 IN WITNESS WHEREOF, I have hereunto 6 set my hand and affixed my seal of office at 7 Cleveland, Ohio, on this _____ day of 8 _____, 2019. 9 10 11 12 13 14  15 Ashanti Edwards, Notary Public 16 within and for the State of Ohio 17 My commission expires October 14, 2022. 18 19 20 21 22 23 24 25</p>

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

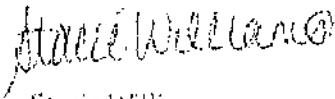
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To Whom It May Concern:

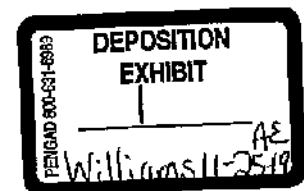
I, Stacie Williams, witnessed a situation that has arose in regards to a dog that was in Lowe's today 03-15-18. I was in aisle 5, with the spray paint, talking to a gentleman with his black and white dog. As I was petting the dog, a lady came into the aisle looking at the spray paint. The dog went to smell the lady, and the owner pulled him back and told the dog "not everyone wants to pet you". She then turned around and put her hand right up to the dogs mouth and said "you probably smell my dog" and was moving her fingers. The dog, in a playing fashion, went to lick her hand and may have nipped her...but not hard enough to do any damage. The owner immediately pulled the dog back and the dog came back up to me and started licking me. She didn't say anything and continued shopping. I talked to the owner for a few more minutes and walked away to go to the morning meeting. The same dog and owner are in here weekly. The dog, in my opinion, shows no sign of aggression and tries to greet everyone who walks by. He's always been friendly and happy in all my experiences with him. If you need anything at all, please let me know!

Sincerely,



Stacie Williams

3-15-18

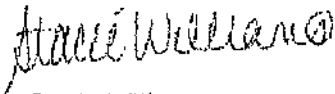


LOWE'S000004

To Whom it May Concern:

I, Stacie Williams, witnessed a situation that has arose in regards to a dog that was in Lowe's today 03-15-18. I was in aisle 5, with the spray paint, talking to a gentleman with his black and white dog. As I was petting the dog, a lady came into the aisle looking at the spray paint. The dog went to smell the lady, and the owner pulled him back and told the dog "not everyone wants to pet you". She then turned around and put her hand right up to the dogs mouth and said "you probably smell my dog"and was moving her fingers. The dog, in a playing fashion, went to lick her hand and may have nipped her...but not hard enough to do any damage. The owner immediately pulled the dog back and the dog came back up to me and started licking me. She didn't say anything and continued shopping. I talked to the owner for a few more minutes and walked away to go to the morning meeting. The same dog and owner are in here weekly. The dog, in my opinion, shows no sign of aggression and tries to greet everyone who walks by. He's always been friendly and happy in all my experiences with him. If you need anything at all, please let me know!


Sincerely,



Stacie Williams

3-15-18



 Store Operations United States	Service Animals and Pet Policy	
	Loss Prevention	Effective Date: 12/18/2017

Purpose

Lowe's is committed to providing exceptional service to all customers. Over the years, pets have become an integral part of the family unit and may be included in a family's daily activities such as shopping. While Lowe's continues to comply with the Americans with Disabilities Act (ADA) requirements for allowing service animal to accompany its owner/handlers, being a pet friendly store is a way to reinforce Lowe's purpose through the customer's experience in the store.

The Service Animals and Pet Policy covers guidelines for the appropriate interaction and protocols associated with service animals and pets, to ensure a safe and enjoyable shopping environment is maintained for customers and employees.

Scope

- Service animals and pets are allowed in all Lowe's stores.
- Service animal requirements are defined and governed by the ADA. Additional information on service animals in places of business is also available on the ADA website.
- Pet requirements are defined below and enforced, as needed, by Lowe's store employees.
- An Americans with Disabilities/Pet Friendly sign must be posted on the front entrance doors to support this program. Signage can be re-ordered through Spend Management in the Archway catalog.

Policy

The care and supervision of service animals and pets is solely the responsibility of its owner/handler. The owner/handler must be in full control of his/her animal at all times, as outlined below:

- The owner/handler must always have direct physical control of the animal by one or both of the following methods. The animal must be:
 1. Heeling/Walking calmly beside the owner/handler
 2. Harnessed, leashed, or carried
- Service animals must follow the same guidelines as stated above, unless this interferes with the service animal's work or if the customer's disability prevents such means. The service animal must be otherwise under the owner/handler's control (ex. - voice control, signals, or other effective measures).

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- The animal's behavior must not disrupt other customers or its surroundings in the store. Disruptive behavior includes, but is not limited to, aggression towards other animals or people, jumping on people or surroundings, barking, growling, etc.
- If a service animal or pet has an accident in the store, please provide the customer with the appropriate materials to clean up after the animal. In some cases, customers with a disability may not be able to clean up after the service animal. In these cases employees can assist the customer as needed.

Excluding a pet or service animal

Reasons for excluding a pet or service animal include:

- The animal is not under the direct physical control of the owner/handler.
- The animal's behavior is disruptive to its surroundings, other customers, or employees.
- The animal poses a direct threat to the health and safety of others.
- The owner/handler fails to comply with any of her/his responsibilities as detailed in this policy and/or the ADA governed policy.

If an owner/handler is asked to exit the store with his/her service animal or pet, offer the customer the opportunity to return to the store, once the animal has been removed, to make his/her purchase for product or services.

Interacting with a Service Animal's Handler

The recommendations below are primarily for service animals but may also apply to pets.

1. Always address the handler, not the animal. Ask the handler your questions. Do not direct questions to the people around the handler.
2. Do not pet any animal without asking first. It can be very dangerous for a service animal's handler if the animal is distracted from doing its job.
3. Do not feed animals. Many – not all – service animals are on strict, healthy diets to extend his/her working life. Animals may also have allergies that you are not aware of. It can break the animal's training if they learn that they get food in a public place.
4. Not all disabilities are visible.
5. Not all service animals are guide animals. They can also be trained for medical alert (for seizures, diabetes, panic attacks, etc.), mobility, guide work, among other things.
6. Not all service dogs are large. They come in all shapes and sizes – from Chihuahuas to Great Danes and every mix in between. Many medical alert dogs are small breeds.
7. If the dog barks, it may not be misbehaving. Make sure the handler is okay before passing judgment; he or she may be in need of assistance, the dog could be alerting to a pending medical condition, or many other things.

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